## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
VS.	)	Case No.: 2:19-CR-196
	)	
DUSTIN AMOS BARNETTE	)	

## UNOPPOSED MOTION TO CONTINUE DUE DATE OF PRETRIAL MOTIONS AND TRIAL DATE

Comes now the Defendant, DUSTIN AMOS BARNETTE, by and through counsel, respectfully moves this Honorable Court to continue the due date of pretrial motions and trial date. In support of this motion, the Defendant would show the following:

- 1. That pretrial motions are due on September 11, 2020, and the trial is set for November 3, 2020 at 9:00a.m.
- 2. That defense counsel must travel to Cincinnati Children's Hospital next week for a surgery on his 3-month-old daughter that hinders his ability to fully communicate with his client during the time necessary for preparation for trial. In addition, discovery for this case is extensive and additional statements and plea agreements from co-defendants have been ongoing throughout, which have changed defensive perspectives upon a potential trial defense. Defense counsel has obtained an investigator in regard to possible witness testimony and needs more time is needed to investigate and review the case file with Mr. Barnette. Failure to grant this continuance would deny counsel for Mr. Barnette the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Pursuant to 18 U.S.C. § 3161(h)(7)(b)(iv), counsel needs the additional time to investigate potential defenses of the case,

to conduct witness interviews and other trial preparation, to investigate and file pretrial motions if warranted, and to otherwise effectively defend Mr. Barnette against these charges.

3. That it is in the best interest of justice to allow the Defendant sufficient time to investigate and review the discovery, full criminal history, and caselaw with defense counsel before motions are submitted with the Court.

4. That counsel has discussed said motion with AUSA Greg Bowman, and he does not oppose this motion.

5. For the information of the Court, counsel for the Defendant will be out of the state between the dates of September 15-21, 2020.

For all of these reasons, the Defendant respectfully requests that this Honorable Court for additional time to file pretrial motions and for trial.

Respectfully submitted this 10<sup>th</sup> day of September, 2020.

DUSTIN AMOS BARNETTE By Counsel

/s/Jonathan Sevier Cave #027139 Attorney for the Defendant The Cave Law Firm, PLLC 104 N. College Street Greeneville, TN 37743 (423) 638-5892

## **CERTIFICATE OF SERVICE**

I hereby certify that on the  $10^{th}$  day of September, 2020, I filed the foregoing Motion with the Clerk of the Court via the CM/ECF system which will send notification of such filing to all other interested parties.

/s/ <u>Jonathan Sevier Cave</u> Attorney